EXHIBIT A

State of New York
Supreme Court **County of Schenectady**

Ahlam Alwaqza, Individually and as President/Owner of:
Crane Deli & Grocery, Inc., a/k/a Crane Deli & Grocery
906-908 Crane Street
Schenectady, New York 12303

Plaintiffs,

-against-

City of Schenectady, New York
Bureau of Code Enforcement
City Hall
105 Jay Street
Schenectady, New York 12305

Defendant.

Verified Petition
Index No. 2017-592
RJI. No.
Hon.

State Of New York):
County of Albany)

Ahlam Alwaqza being duly sworn deposes and says as follows:

1. Due certain financial circumstances related to the creation of the business entity herein I am the President thereof, namely, the "Crane Deli & Grocery, Inc.", a/k/a "Crane Deli & Grocery", hereafter known as the "Crane Deli".

2. My role as President of the within business is, as aforesaid, solely as a result of certain financial circumstances and in fact my husband, Ali Kassim, is the Manager of the "Crane Deli" and as such he is familiar with the day to day operations thereof.

3. Most recently my husband has made me aware of certain difficulties we appear to be experiencing with the City of Schenectady related to our "Certificate of Use" which is required to operate this business and more particularly, the difficulties we are now experiencing which have resulted in our not being able to operate this business.

4. A considerable amount of money has been invested in creating this business and it was the a major source of income for our family of four.

5. As of the date hereof, we have been unable to operate our business for a period of 60 days the result of which has created considerable loss of income, loss of business inventory, the instance of being subjected to lawsuits as a result of being unable to pay our business debts and other and further great financial hardship on our family,

6. Having discussed this whole matter in great detail I have come to learn that my right to earn a living and to pursue my life's legal calling is one of the fundamental rights accorded to me and all other persons under both the Constitution of the State of New York and the Privileges and Immunities Clause of the Constitution[1] of the United States and that the City of Schenectady, by its present actions, is depriving me of that fundamental right without either due process and/or just cause.

7. I have further come to believe that the City of Schenectady has acted in a capricious and arbitrary manner without reasonable basis in law or otherwise within the meaning of Article 78 of the Civil Practice Law and Rules of the State of New York and/or has otherwise abused its discretion.

8. It is also my belief that as a result of all that has been described herein I have been unjustly damaged and otherwise harmed without due process and/or just cause due by being barred from following my calling as store owner and being allowed to operate my business.[2]

9. My involvement in the said business being minimal, as aforesaid, and my husband being fully familiar with all of the day to day operations of this business, my husband has executed an affidavit in support of this proceeding which is attached hereto along with exhibits.

WHEREFORE, Ahlam Alwaqza, respectfully requests this Court to;

1. Make and enter an order directing the Respondent City of Schenectady to duly, legally and forthright process the application of Petitioner for a Certificate of Use heretofore filed therewith so as allow Petitioner to open and operate its store located at: 906-908 Crane Street, Schenectady, NY 12303; and

2. To make an award of monetary damages upon a trial before this Court for the purpose of determining such damages; and, for

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The ability to pursue one's profession or 'common calling' is one of the limited number of fundamental rights accorded under the Privileges and Immunities clause. *Boomer v. Witsell, 334 U.S. 385, 396.*

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As result of the inability to operate this store we have alone encountered considerable losses of perishable inventory such as bananas, onions, eggs, milk, certain cheeses, tomatoes, lettuce, etc.

3. Such other and further relief as to this Court may seem just and proper.

Dated: March 24, 2017

AHLAM ALWAQZA

Ahlam Alwaqza

VERIFICATION

State of New York)
County of Albany)ss.:

Ahlam Alwaqza, being duly sworn, deposes and says: I am one of the Plaintiffs in this proceeding. I have read the foregoing Petition in Person and know the contents thereof to be true to my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

AHLAM ALWAQZA

Ahlam Alwaaza

Sworn to before me this
24th day of March, 2017

Notary Public

PHILIP CHARLES MILLER
Notary Public, State of New York
Qualified in Albany County
No. 4780219
Commission Expires 1/31/18

State of New York
Supreme Court **County of Schenectady**

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Plaintiffs,

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Defendant.

Affidavit in Support
Index No.
RJI. No. ______
Hon. ______

State Of New York):
County of Albany)

Ali Kassim being duly sworn deposes and says as follows:

1. The financial resources used to create the business herein coming from my wife, Ahlam Alwaqza, and her family, title to the said business is in my wife's name and my wife is the President of the corporation herein. However, I am and have been the full time daily manager thereof and I am fully familiar with all of the business operations thereof since inception in 2013. I make this affidavit in support of this Petition because of my role as Manager of the subject business herein the "Crane Deli & Grocery, Inc.", a/k/a "Crane Deli & Grocery" hereafter known as "Crane Deli" and my familiarity of the day to day business operations thereof.

2. Since our occupancy thereof in 2013 the structure located at 906-908 Crane Street has been a mixed use structure with a commercial-retail facility located in the form of a "store front" on the front -street side- of the first floor with a residential apartment located on the second floor.

3. I apologize in advance for the length of this affidavit. Unfortunately I simply do not know of any way to properly explain the occurrences herein in a shorter or more abbreviated manner.

4. As this Court may be aware, pursuant to Schenectady City Code, businesses such as "Crane Deli", must apply for and obtain a "Certificate of Use" from the Bureau of Code Enforcement of the City of Schenectady, New York in order to operate a business (convenience type store) such

store) such as mine (hereafter referred to simply as "Certificate of Use") [1]. Initially "Certificates of Use" remained in effect until and unless a change in ownership or some similar occurrence took place. Effective some time in 2015 Schenectady City Law changed to require that businesses such as the present entity must re-certify certain information to the City of Schenectady Bureau of Code Enforcement on a form entitled "Yearly Inspection Certificate of Use Application" (hereafter referred to as "Yearly Inspection Application")[2].

5. Duly applying for a said "Certificate of Use" in order to operate my present business, "Crane Deli", in 2015, my application fee of $200.00 was accepted and such certificate was issued to me effective August 3, 2015 with such certificate set to expire on August 3, 2016. Shortly after receiving said certificate I continued operation of my present business using said Certificate as my authority. A copy of said certificate is annexed hereto as exhibit "A".

6. As is the case with the original "Certificate of Use" application, the "Yearly Inspection Application" form now required in order to re-certify information to the Bureau of Code Enforcement requires both that certain information, as aforesaid, be included on the form itself along with also providing considerable accompanying documentation including, but not limited to, insurance certificates, copies of applicable licences, copies of property and school tax statements covering the physical premises where the business is located, etc.

A copy of both a "Certificate of Use Application" form and a "Yearly Inspection Certificate of Use Application" form are annexed hereto as exhibits "B" and "C".

7. During the period of late June to early July, 2016 I attempted to file the "Yearly Inspection Certificate of Use Application" form with the City of Schenectady but was informed at that time that, despite the expiration date of the "Certificate of Use" in effect at the time, it was too early to file the "Yearly Inspection Certificate of Use Application" and that it would not be accepted at that time.

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1 Other types of business are also required to obtain a "Certificate of Use" in order to operate a business in Schenectady.

2 There appears to be confusion over the use of the terminology used in various instances -i.e. despite two separate forms being in existence at all times relative hereto, the term "Yearly Inspection Application" seems to be used interchangeably with "Certificate of Use".

8. On January 11, 2017 I filed the "Yearly Inspection Certificate of Use Application" form which had been provided to me by the Bureau of Code Enforcement for the City of Schenectady, a copy of which date stamped front page being annexed hereto as exhibit "D". All required information and attachments as required by said form were included therewith.

9. In response to my submission of the said "Yearly Inspection Certificate of Use Application" on or about January 16, 2017 I received a letter in the mail from the City of Schenectady, Corporation Counsel's Office by, Christiana K. Smith, Esq., Assistant Corporation Counsel, dated January 13, 2017, a copy of which being annexed hereto as exhibit "E", indicating that my "application for a Certificate of Use for the Crane Street Deli & Grocery - - -- is hereby denied." and, continuing on in the second paragraph of said letter, "based on your failure to submit Certificates of Incorporation, as well as evidence that the corporation is registered to do business in the State of New York, is active, is in good standing, and, identifying all principals in said Corporation in accordance with Schenectady City Code Section 183-6(7)."

10. As may further be seen upon examination of the said January 13th letter from the Corporation Counsel's Office, I was warned, in the second from the last paragraph thereof, that operating a business with a validly issued Certificate of Use is a violation of Schenectady City Code carrying with it a minimum fine of $500.00 for each day of such violation.

11. In point of fact, as may be seen upon examination of the "Yearly Inspection Certificate of Use Application" form submitted as exhibit "D" hereof, and accepted, as aforesaid on January 11, 2017, the form does not require, as an attachment or otherwise, the submission of a "Certificate(s) sic. of Incorporation as well as evidence that the corporation is registered to do business in the State of New York, is active, is in good standing, and, identifying all principals in said Corporation in accordance with Schenectady City Code Section 183-6(7)."[3]

12. In response to the said denial letter dated January 13, 2017 I personally visited the Bureau of Code Enforcement on or about January 20, 2017 at which time I spoke to a person in said

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3 All information regarding the formation of the corporation in question, the fact that it is a domestic corporation and thereby necessarily registered to do business in the State of New York, etc. would have been submitted with the original "Certificate of Use" application.

Inspection Certificate of Use Application" which I had filed did not require the submission of the corporate documentation as referenced in the January 13, 2017 letter from the Corporation Counsel's Office. I was instructed by Ms. Outlaw at this time that I should respond to this situation by filling out and filing a new "Certificate of Use Application". I was further told by Ms. Outlaw that I need not again include all of the attachments to that application form since I had already submitted the required attachments with my aforesaid previously filed "Yearly Inspection Certificate of Use Application". I was given the "Certificate of Use Application" form to be used by Ms. Outlaw at this time and I hereby affirm that it is the same form included herewith as exhibit "B" hereof.

13. I was also informed by Ms. Outlaw at this time that I should immediately close my store and that I faced potential violations if I failed to do so. Facing the prospect of legal trouble including fines, I did in fact close my store at this time.

14. Following the instructions received from Ms. Outlaw I had the "Certificate of Use" application form completed and reviewed and on January 24, 2017 I returned to the Bureau of Code Enforcement for the City of Schenectady and filed the said application form at that time.

15. The "Crane Deli" being a major source of income for my family which includes my wife, two children and me, and the store now being closed resulting in no income being derived therefrom for, as aforesaid, my family I returned to the Schenectady City Bureau of Code Enforcement every two to three days after January 24, 2017 for the purpose of inquiring as to whether there was any problem with my application that I could correct, what else, if anything, I needed to do to correct, clarify and/or complete my application and when could I again open my store. After about approximately two weeks from January 24, 2017 I was told that my application was now in the hands of the "legal department" and that I would be hearing from them.

I also attempted to speak to someone at the Corporation Counsel's about this matter but no one would speak to me.

Each time I visited the Bureau of Code Enforcement I attempted to make it as clear as possible, that I would make myself available to do whatever was necessary to remedy any problems with my applications so that I would receive approval and could then again reopen "Crane Deli".

16. Continuing to hear nothing from the City of Schenectady in response to my filings, on or about February 14, 2017 I contacted and made an appointment for February 15, 2017 with my

attorney, Philip C. Miller, Esq., concerning the obstacles I was encountering from the City of Schenectady. Upon meeting with Mr. Miller he suggested that we send a letter to Ms. Smith, Esq., -author of the original denial letter of January 13, 2017- more fully explaining the circumstances at hand and seeking her review of the actions of the City in the hope that we might resolve the matter so that I could again open "Crane Deli". A copy of Mr. Miller's letter to Ms. Smith dated February 16, 2017 is annexed hereto as exhibit "F".

17. On or about February 24. 2017 I received another letter from Ms. Smith, Esq, Assistant Corporation Counsel for the City of Schenectady dated February 22, 2017 informing me as follows:

"Your application, received by the Bureau of Code Enforcement on January 24, 2017 is denied because the Emergency Contact listed for the business is Salem Ali, who is currently barred from being involved in the operation of a business with the City of Schenectady." A copy of which letter is annexed hereto as exhibit "G".

18. I acknowledge that Salem Ali was in fact named by me as an "Emergency Contact" person to be contacted in the event of an emergency in my January 24, 2017 application as noted in Ms. Smith's letter. I was acquainted with Mr. Ali and he was a neighbor - at no time did I ever have any business dealings with him.

It is also worth noting that at the time of my filing of this application, January 24, 2017, Mr. Ali's legal difficulties had not been resolved in Court and he remained free to engage in any activity within the City of Schenectady he might choose. In fact those legal difficulties were not finally concluded until February 8, 2017 at which time Mr. Ali agreed "not to own or operate a business in Schenectady for a period of 1 year." Please see "Press Release" issued from the Office of the Mayor of the City of Schenectady, New York dated February 8, 2017 included herewith as exhibit "H".

Aside from the above with respect to the timing of my naming of Mr. Ali as an emergency contact person and my application being denied as a result of the subsequent resolution of his legal difficulties, I would also point out that Mr. Ali was listed only as an Emergency Contact person when no one else could be contacted. In the event that such occasion would ever arise and Mr. Ali was in fact contacted as an Emergency Contact person for "Crane Deli" such a contact would in no event elevate him to the status of an owner or operator of a business within the City of Schenectady.

19. Needing to continue to try to satisfy the City of Schenectady Bureau of Code

Enforcement so as to permit the opening of the "Crane Deli" upon receiving the February 22, 2017 letter from the Corporation Counsel's Office included herewith, as aforesaid, as exhibit "G." I again contacted my said attorney and upon his review of this correspondence he suggested that we submit the name and identifying/contact information of another individual who would serve as an Emergency Contact person in the hope that we might thereby satisfy and resolve any concerns relative to my outstanding application. A copy of Mr. Miller's said letter to Ms. Smith dated March 2, 2017 - and faxed on even date- is annexed hereto as exhibit "I".

20. As may be seen by the accompanying affirmation of my said attorney, and the attachment reference therein and included herewith as exhibit "J" Mr. Miller received correspondence in the mail on or about March 6, 2017 from Ms. Smith in response to his March 2, 2017 letter as follows:

"This Office is in receipt of faxed correspondence dated March 2, 2017 in relation to a previously denied application of a Certificate of Use for Crane Street Deli & Grocery.

Said correspondence is not considered by the Office to be a submitted application. When an application is denied, the City of Schenectady requires applicants to submit a new application in order to be considered. -----------"

21. Given the experienced encountered by me with the application process thus far and as described herein in addition to the current direction from Ms. Smith dated March 3, 2017 that I submit "a new application in order to be considered" I find myself in the unfavorable position, as described in greater detail above, as follows:

a. Having submitted a "Yearly Inspection Certificate of Use Application" -which application form, as provided by Schenectady City Code, was prepared by the Schenectady City Corporation Counsel's Office and having said application accepted for filing by the Schenectady City Bureau of Code Enforcement on January 11, 2017- I received notice from the Corporation Counsel's Office dated January 13, 2017 that my application was denied because certain items of corporate documentation were not included therewith when in fact the application form did not itself require, as an attachment or otherwise, the inclusion of any such corporate documents.

b. In response to the said correspondence dated January 13, 2017 I visited the Schenectady City Bureau of Code Enforcement on January 20, 2017 at which time I was told to submit a "Certificate of Use" application in response to the said January 13th letter which I did and submitted on January 24, 2017 and that I was not to open my store under penalty of being fined, being denied a "Certificate of Use" to operate my store, etc. I thereupon closed my store which has remained closed since January 24, 2017 to the present.

c. Having filed the "Certificate of Use" application form on January 24, 2017, I thereupon visited the Bureau of Code Enforcement on numerous occasions in the hope that I would be able to provide any needed additional and/or corrective information to my application with the goal of attempting to make certain that my application was complete and that if there were any errors I would be available to make needed corrections. I was eventually referred to the Corporation Counsel's Office for the City of Schenectady but I found that no one would discuss the status of my pending application with me. My goal throughout was to attempt to make certain that my application would be acceptable and that I would be able to reopen "Crane Deli" as soon as possible.

In furtherance of my efforts I retained the services of my said attorney, Philip C. Miller in the hope that this might expedite the opening of the "Crane Deli" and by correspondence dated February 16, 2017 he sought reconsideration of the original application denial by the Corporation Counsel's Office.

d. Having heard nothing further from the City of Schenectady until on or about February 24, 2017, as aforesaid, I received additional correspondence from the Corporation Counsel's Office dated February 22, 2017 which essentially ignored Mr. Miller's prior letter and advised me that my "Certificate of Use" application "is denied because the Emergency Contact listed for the business in Salem Ali, who is currently barred from being involved in the operation of a business within the City of Schenectady." Aside from the issues, as aforesaid, relative to Mr. Ali being named as an Emergency Contact person, upon further consultation with Mr. Miller we determined that the submission of the name and contact information of another individual as the Emergency Contact person might be the most direct way of resolving this issue. Mr. Miller's letter, included at exhibit "I" hereof, was, according to his affirmation included herewith, dated March 2, 2017 and was faxed to the Schenectady City Corporation Counsels on said date, and provided all necessary identifying and contact information necessary to name another Emergency Contact person to replace Salem Ali.

e. Unfortunately, all of my efforts apparently being of no avail, please again see the letter from the Corporation Counsel's Office dated March 3, 2017 and included herewith at exhibit "J" in which notice was provided to me that my attorney's correspondence dated March 2, 2017 which provided all necessary information so as to name another Emergency Contact person "is not considered by the Office to be a submitted application. When an application is denied, the City of Schenectady requires applicants to submit a new application in order to be considered."

In short I was being directed to begin the process anew "in order to be considered." with the prior admonition that I was not to open my store presumably continuing.

22. Having spoken with my attorney, Philip C. Miller, Esq., at length about these developments I was informed by him that he had researched and otherwise made inquiry regarding various issues and that he could find no justification whatsoever for requiring the corporate documentation referenced in Ms. Smith's January 13, 2017 letter nor could he find any legal basis whatsoever for the stated requirement that each time an application was denied that the applicant be required to begin the process over again with the filing of a new application each time.

23. At no time, to the best of my knowledge, has the operation of the "Crane Deli" ever been questioned, investigated or otherwise called into question.

24. At this time I again find myself unable to open and operate my store which, at of the date hereof, has continued for a period of 60 days the result of which causing great financial loss and the complete loss of any ability to earn a living from this store.

25. Having discussed this whole matter in great detail I have come to learn that my right to earn a living and to pursue my life's legal calling is one of the fundamental rights accorded to me and all other persons under both the Constitution of the State of New York and the Privileges and Immunities Clause of the Constitution[4] of the United States and that the City of Schenectady, by its present actions, is depriving me of that fundamental right without either due process and/or just cause.

26. I have further come to believe that the City of Schenectady has acted in a capricious and arbitrary manner without reasonable basis in law or otherwise within the meaning of Article 78 of the Civil Practice Law and Rules of the State of New York and/or has otherwise abused its

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The ability to pursue one's profession or 'common calling' is one of the limited number of fundamental rights accorded under the Privileges and Immunities clause. *Toomer v. Witsell, 334 U.S. 385, 396.*

discretion.

27. It is also my belief that as a result of all that has been described herein I have been unjustly damaged and otherwise harmed without due process and/or just cause due by being barred from following my calling as store owner and being allowed to operate my business.[5]

28. The subject premises is zoned for commercial-retail and we pay all of the business taxes including all sales taxes and other fees as they accrue on my business, We have invested a considerable sum of money in outfitting and stocking this store and we have at all times operated without the need for intervention or corrective action by the City of Schenectady or other -all of which to no avail since I am not now permitted to operate my store. I have been denied my right to seek an economic return from legal investments made by my family and to pursue making a living by operating this store all of which without due process, just cause or reason.

29. Adding to the overall difficulties this whole experienced has caused on March 23, 2017 I received a Summons in the mail in which notice is provided to me that "Crane Deli and Grocery, Inc." is now being sued by Niagara Mohawk, d/b/a National Grid for non-payment of my utility bill for the business within since, without income from the store, I have been totally unable to pay this utility bill - City Court, City of Schenectady, NY, Index No. CV526-17.

The business herein and my wife personally is also about to be sued and dispossessed of ut business location as a result of our inability to pay rent on the business premises by reason of being unable to operate the business.

Dated: March 24, 2017

Ali Kassim, Manager of the "Crane Deli & Grocery, Inc." a/k/a "Crane Deli"

Sworn to before me this
24th day of March, 2017

5 As result of the inability to operate this store we have alone encountered considerable losses of perishable inventory such as bananas, onions, eggs, milk, certain cheeses, tomatoes, lettuce, etc.

PHILIP CHARLES MILLER
Notary Public, State of New York
Qualified in Albany County
No. 4780219
Commission Expires 1/31/18

Notary Public

State of New York
Supreme Court

County of Schenectady

Ahlam Alwaqza, Individually and as President/Owner of:
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Plaintiffs,

Affirmation in Support
Index No.
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-against-

City of Schenectady, New York
Bureau of Code Enforcement
City Hall
105 Jay Street
Schenectady, New York 12305

Defendant.

State Of New York):
County of Albany)

Philip C. Miller, an attorney at law, deposes and says under penalty of perjury

1. That I am an attorney licensed in the State of New York to practice law in all Courts thereof having offices located at: 17 Computer Drive East, Albany, New York 12205 and I make this affirmation as the attorney for Ahlam Alwaqza, Individually and as President of: Crane Deli & Grocery, Inc., a/k/a Crane Deli & Grocery (hereafter known as "Crane Deli'.

2. That on or about February 14, 2017 I was contacted by Mr. Ali Kassim regarding the difficulty that on behalf of Ahlam Alwaqza, Individually and as President/Owner of: Crane Deli & Grocery, Inc., a/k/a Crane Deli & Grocery he was experiencing with the City of Schenectady, New York and more particularly the difficulty he was having regarding his Certificate of Use and the "Yearly Inspection Certificate of Use" application (hereafter known as "Yearly Inspection Application") which had been filed by him.

3. Mr. Kassim and I arranged to meet in my office in order to more fully discuss the letter of denial dated January 13, 2017, included herein as Exhibit "E", that he had received along with the efforts he had thereafter made in attempting to continue the operation of the Crane Deli & Grocery, Inc. More specifically Mr. Kassim explained that on behalf of the "Crane Deli" he filed an application form provided to him by the Bureau of Code Enforcement for the City of Schenectady known as a "Yearly Inspection Certificate of Use Application" in response to which he received the said letter of January 13th from the City of Schenectady Corporation Counsel's Office by Krystina K. Smith, Esq.

4. As more fully described in the accompanying affidavit of Ali Kassim, Ms. Smith indicated that the basis for the City of Schenectady's denial was that certain corporate documents were not included with the application. As also more fully described in the said affidavit of Kassim , the form which was prescribed by the Corporation Counsel's Office for the City of Schenectady did not, in fact call for such documents to be included. In other words, the application by Kassim was denied for the stated reason that certain documents were not included therewith when in fact no such documents called for in such application.

5. After discussing this matter in some detail including Mr. Kassim's account of the ways in which he attempted to call the above circumstance to the attention of the Bureau of Code Enforcement to which the form was originally required to be submitted and his subsequent submission of a totally new application at the direction of the said Bureau, we determined that a sensible way to attempt to resolve this dilemma was by drafting a letter from my office to Ms. Smith attempting to explain the overall circumstances. A copy of this letter dated February 16, 2017 is also included herewith as Exhibit F.

6. Totally ignoring my February 16th letter, by correspondence from Ms. Smith, Esq. dated February 22, 2016 we received notice that the subject application had been denied due to the fact that the person named as an Emergency Contact person had been "barred from being involved in the operation of a business within the City of Schenectady".

7. Aside from the fact that it seems totally unreasonable to somehow equate or otherwise treat the naming of someone as an "Emergency Contact" person with that person "being involved in the operation of a business - - - -" and/or that person serving as an Emergency Contact person to be the equivalent of being involved in the "operation of a business" and to deny an application allowing the operation of a business for that reason, there is simply no basis in law or otherwise for doing so.

I nevertheless suggested to Mr Kassim that we again attempt to communicate with Ms. Smith, Esq. and that we provide all necessary information so as to name another individual as the "Emergency Contact" person and I so did by my correspondence with attachments dated and faxed to her on March 2, 2017included herewith as Exhibit "I".

8. By correspondence dated March 3, 2017 we received Exhibit "J" annexed hereto in which we were informed that our submission of a new name with all necessary documentation was "not considered by the Office to be a submitted application" and we were further directed that if we wished to be further considered we would be required to submit a new application. As aforesaid in Mr. Kassim's annexed affidavit, we were now being advised to submit yet another -a third-

application if we wished to be further considered.

9. Mr. Kassim had been warned throughout not to open his store under penalty of being fined $500.00 for each day which, as of March 24, 2016, has lasted for 60 days with the further result that the "Crane Deli" is now being sued for non-payment of it business debts.

10. Upon review of Schenectady City Code there is absolutely no authority whatsoever which would allow the City of Schenectady or any other to deny Kassim's original application on the basis that certain corporate documents were not included especially since the application form, as required by local law, was provided and approved by the Corporation Counsel's Office for the City of Schenectady and the form in question did not in fact call for the inclusion of such documents.

11. The "Certificate of Use" and all of the provisions relating thereto being solely a creature of Schenectady City Code, there is in fact nothing in City Code allowing the City of Schenectady or any other to require that a totally new application be drafted and submitted each time a problem - whether real, imagined, technical or otherwise- is claimed to exist with an application. In fact Ms, Smith's February 22, 2016 did not itself include or mention any requirement that a completely new application would be required.

12. The "Business Use Certificate" in this and all other instances bears directly on the individual's ability to earn a living -if the store in question is not permitted to open no income can be derived therefrom. The right to earn a living has commonly been found and affirmed to be a "right" under both the United States and, consequently, the Constitution of the State of New York. Even if the "Business Use Certificate" is determined to be in the nature of a license such as a driver's license as opposed to an outright "property right", the right to a prior review by an independent reviewer is clear, "while purporting to be concerned with fault in suspending a driver's license, [a state cannot) deprive a citizen of his licenses without a hearing that would assess fault." Reno v. Flores, 507 U.S. 292 (1993),(3461; to Bell v. Burson, 402 U.S. 535, {1971}; Cleveland v. United Stales, 531 U.S. 12 (2000).

13. The ability to pursue one's profession or "common calling" is one of the limited number of foundational rights protected under the Privileges and Immunities Clause. Toomer v. Witsell, 334 U.S. 385, 396, 68 S. Ct. 1156, 92 L. Ed. 1460 (1948); see also United Bldg. & Constr. Trades Council v. Camden, 465 U.S. 208, 219, 104 S.Ct. 1020, 79 L.Ed.2d 249 (1984).

14. It is respectfully submitted to this Court that the City of Schenectady has acted, as described herein, in an arbitrary and capricious manner and has in the manner described abused its discretion all of which in derogation of the fundamental rights afforded to all citizens of the United

States pursuant to the Constitution of the State of New York and the Constitution of the United States of America.

15. It is further respectfully submitted to this Court that as a result of the conduct of the City of Schenectady as described herein the plaintiffs, Ahlam Alwaqza, Individually and as President /Owner of the Crane Deli & Grocery, Inc., a/k/a Crane Deli & Grocery have been damaged in an amount to be determined by this Court at the time of trial.

Dated: March 24, 2017

AFFIRMED UNDER PENALTY OF PERJURY

Philip C. Miller, Esq.
Attorney for Plaintiffs
17 Computer Drive East
Albany, New York 12205
(518) 459-1803

CITY OF SCHENECTADY, NEW YORK

Certificate of Use

is hereby granted to

Ahlam Alwaaza

Located at 906 - 908 Crane Street, Schenectady, NY

Crane Deli & Grocery

Valid until August 3, 2016 unless revoked or upon sale and having paid the sum of two hundred dollars, granted this 3rd day of August, 2015. An application for renewal must be made through the office of the Bureau of Code Enforcement.

This certificate is to be posted so that it is visible to the public.

Domenic Viscariello
Code Enforcement Supervisor

EX. "A"

BUREAU OF CODE ENFORCEMENT
CITY OF SCHENECTADY
NEW YORK

City Hall
105 Jay Street, Room 17
Schenectady, NY 12305
Tele: (518) 382-5050
Fax: (518) 372-9459

CERTIFICATE OF USE APPLICATION
Chapter 183

FEE: $200.00 (1st year)
$ 50.00 (yearly renewal)

Date: ______________________________

Applicant Name: ______________________________

Applicant Phone Number: ______________________________

Business Name: ______________________________

Business Address: ______________________________

Business Telephone: ______________________________

Business E-mail/Web Address: ______________________________

Business Type (circle one): **Bar** **Drug Store** **Food Store** **Restaurant**

Please provide a business description and plan. The plan must include, at minimum, two (2) sets of floor plans, anticipated number of customers and employees, arrangements for deliveries, waste removal, parking and hours of operation:

____

____

____

____

____

____

____

____

EX. "B"

Business Owner: ______________________________

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

If there are additional business owners, operators, principals, agents, or managers, please attach an additional sheet with their names, addresses, and home and cell numbers.

Emergency Contact Information (a county resident available 24-hours a day)

Contact Name: ______________________________

Contact Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Property Owner Information:

Name: ______________________________

Residential Address: ______________________________

Property Owner Telephone Number: (Home)______________ (Cell) ______________

1. Identify all businesses owned or operated by the business owner(s) and/or operator(s) during the ten (10) year period immediately preceding the date of this application by name & provide all business addresses and the current status of each business (City Ordinance Sec. 183-6).

2. Has the property owner, business owner(s), and/or operator(s) of the proposed business had a certificate of use denied, suspended or revoked during the previous three (3) years by the City of Schenectady or any other municipality? If yes, provide the name of the business(s), the date or dates of the denial, suspension or revocation, and the reason or basis for the denial, suspension, or revocation (City Ordinance Sec. 183.6)

3. Has the business owner(s), co-owner(s) and/or operator(s) ever been convicted of a crime in the last five (5) years? If yes, provide the date of the conviction, the crime originally charged, the crime of conviction, and the jurisdiction where the conviction was entered (City Ordinance Sec. 183.6)

I understand that false statements or material misrepresentations made on this application may result in the denial or revocation of the Certificate of Use.

Business Owner Signature

Print Name

Business Operator Signature

Print Name

Property Owner Signature
(Must be notarized or commissioned)

Print Name

Date

For Business Owners Only:

I am not now, nor for a period of at least one (1) year preceding this application, subject to suspension or revocation of a certificate of use with respect to any business I own or in which I have a financial interest.

____

Initial

I am not now under investigation for any violation of the Code of the City of Schenectady, the code of any other city or municipality or of any violation of any local, state or federal government relating to the operation of any business I own or operate.

____

Initial

I, as a co-owner or operator of the proposed business, am not now subject to suspension or revocation of a certificate of use with respect to any business I own or operate or in which I have a financial interest.

____

Initial

DOCUMENTS REQUIRED:

_____PLANNING Approval- provide copy of Planning Commission Waiver or Decision Letter

_____ TAX Department Printout of Property Taxes/Payment Status
(Available in Room 100 at the INFORMATION WINDOW – not the cashier window)

_____ INSURANCES:

_____FIRE INSURANCE POLICY
(provide declarations page)
_____LIABILITY INSURANCE POLICY of $500,000 minimum:
(provide declarations page)
____ WORKER'S COMP and DISABILITY INSURANCE or WAIVER

_____ Copy of LEASE or DEED of property

____ Residential Utility Bill (from where you live, NOT for the business)

____ Confirmation of all bank accounts utilized in the operation of the business

_____ **Photo ID for all employees and owners**: (Driver's license, passport, immigration or citizenship records.)

Employee(s) _____ Photo ID _____ Social Security Card

Business owner _____ Photo ID _____ Social Sec

Principal(s)/Partner(s)/Agent(s)/Manager(s)_____Photo ID _____ Social Sec

____ **Business Licenses and Certifications**:

____ Food Processing Permit or Food Service Permit

____ DBA, Corporation or LLC documentation certified by the County or the State

____ Tobacco Permit

____ SLA License or Copy of application

____ Tax Identification Certificate

____ Garbage Collection Agreement

____ Two (2) copies of Floor Plans

Business References: (Someone not related to you)

1.) ____
NAME **ADDRESS** **TELEPHONE #**

2.) ____
NAME ADDRESS TELEPHONE #

Personal Reference: (may be anyone; including someone related to you)

1.) ____
NAME **ADDRESS** **TELEPHONE #**

BUREAU OF CODE ENFORCEMENT
CITY OF SCHENECTADY
NEW YORK

CERTIFICATE OF USE

INFORMATION FOR APPLICANT

DBA (Doing Business As): Schenectady County Clerk
620 State Street
Schenectady, NY 12305
Tele: (518) 388-4280

Tobacco Permit: New York State Department of Taxation & Finance
W.A. Harriman Campus
Building #9
Albany, NY 12227
Email: www.tax.state.ny.us

New York State Liquor Authority (SLA) & Alcohol Beverage Control (ABC)
80 South Swan Street
9th floor
Albany, NY 12210
Email: www.SLA.ny.gov
Tele: (518) 474-3114

Food Service Permit: (if restaurant is more than 50% food service)
Contact the Schenectady County Environmental Health
107 Nott Terrace, Suite 300
Schenectady, NY 12308
Tele: (518) 386-2818

Food Processing Permit: (if less than 50% retail)
NYS Department of Agriculture & Marketing
10-B Airline Drive
Albany, NY 12235
Tele: 1-800-554-4501

City Hall
105 Jay Street - Room 17
Schenectady, NY 12305
PHONE: (518) 382-5050
FAX: (518) 372-9459

BUREAU OF CODE ENFORCEMENT
CITY OF SCHENECTADY
NEW YORK

YEARLY INSPECTION

CERTIFICATE OF USE APPLICATION

Chapter 183

FEE: $ 50.00 (yearly inspection)
FEE: $200.00 (1st year)

Date: ______________________________

Applicant Name: ______________________________

Applicant Phone Number: ______________________________

Business Name: ______________________________

Business Address: ______________________________

Business Telephone: ______________________________

Business E-mail/Web Address: ______________________________

Business Type (circle one): **Bar** **Drug Store** **Food Store** **Restaurant**

Please provide a business description and plan. The plan must include, at minimum, two (2) sets of floor plans, anticipated number of customers and employees, arrangements for deliveries, waste removal, parking and hours of operation:

____

____

____

____

____

____

____

EX. "C"

Business Owner: ______________________________

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

If there are additional business owners, operators, principals, agents, or managers, please attach an additional sheet with their names, addresses, and home and cell numbers.

Emergency Contact Information (a county resident available 24-hours a day)

Contact Name: ______________________________

Contact Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Property Owner Information:

Name: ______________________________

Residential Address: ______________________________

Property Owner Telephone Number: (Home)______________ (Cell) ______________

1. Identify all businesses owned or operated by the business owner(s) and/or operator(s) during the ten (10) year period immediately preceding the date of this application by name & provide all business addresses and the current status of each business (City Ordinance Sec. 183-6).

2. Has the property owner, business owner(s), and/or operator(s) of the proposed business had a certificate of use denied, suspended or revoked during the previous three (3) years by the City of Schenectady or any other municipality? If yes, provide the name of the business(s), the date or dates of the denial, suspension or revocation, and the reason or basis for the denial, suspension, or revocation (City Ordinance Sec. 183.6)

3. Has the business owner(s), co-owner(s) and/or operator(s) ever been convicted of a crime in the last five (5) years? If yes, provide the date of the conviction, the crime originally charged, the crime of conviction, and the jurisdiction where the conviction was entered (City Ordinance Sec. 183.6)

I understand that false statements or material misrepresentations made on this application may result in the denial or revocation of the Certificate of Use.

Business Owner Signature

Business Operator Signature

Print Name

Print Name

Property Owner Signature
(MUST BE NOTORIZED OR COMMISSIONED)

Print Name

Date

For Business Owners Only:

I am not now, nor for a period of at least one (1) year preceding this application, subject to suspension or revocation of a certificate of use with respect to any business I own or in which I have a financial interest.

____
Initial

I am not now under investigation for any violation of the Code of the City of Schenectady, the code of any other city or municipality or of any violation of any local, state or federal government relating to the operation of any business I own or operate.

____
Initial

I, as a co-owner or operator of the proposed business, am not now subject to suspension or revocation of a certificate of use with respect to any business I own or operate or in which I have a financial interest.

____
Initial

For Business Owners Only:

I am not now, nor for a period of at least one (1) year preceding this application, subject to suspension or revocation of a certificate of use with respect to any business I own or in which I have a financial interest.

____
Initial

I am not now under investigation for any violation of the Code of the City of Schenectady, the code of any other city or municipality or of any violation of any local, state or federal government relating to the operation of any business I own or operate.

____
Initial

I, as a co-owner or operator of the proposed business, am not now subject to suspension or revocation of a certificate of use with respect to any business I own or operate or in which I have a financial interest.

____
Initial

DOCUMENTS REQUIRED FOR RENEWAL:

_____ TAX Department Printout of Property Taxes/Payment Status
(Available in Room 100 at the INFORMATION WINDOW – not the cashier window)

_____ INSURANCES:

_____FIRE INSURANCE POLICY
(provide declarations page)
_____LIABILITY INSURANCE POLICY of $500,000 minimum:
(provide declarations page)
____ WORKER'S COMP and DISABILITY INSURANCE or WAIVER

_____ Copy of LEASE

____ Residential Utility Bill

____ Confirmation of all bank accounts utilized in the operation of the business

_____ **Photo ID for all employees and owners**: (Driver's license, passport, immigration or citizenship records.)

Employee(s) _____ Photo ID _____ Social Security Card

Business owner _____ Photo ID _____ Social Sec

Principal(s)/Partner(s)/Agent(s)/Manager(s)_____Photo ID _____ Social Sec

____ **Business Licenses and Certifications**:

____ Food Processing Permit or Food Service Permit

____ Tobacco Permit

____ SLA License

____ Garbage Collection Agreement

BUREAU OF CODE ENFORCEMENT
CITY OF SCHENECTADY
NEW YORK

BUREAU OF CODE ENFORCEMENT
JAN 11 2017
RECEIVED

City Hall
105 Jay Street, Room 17
Schenectady, NY 12305
Tele: (518) 382-5050
Fax: (518) 372-9459

YEARLY INSPECTION

CERTIFICATE OF USE APPLICATION

Chapter 183

FEE: $ 50.00 (yearly inspection)

Date: 1/11/17

Applicant Name: Crane Deli & Grocery

Applicant Phone Number: 518 709 7114

Business Name: Crane Deli & Grocery

Business Address: 908 Crane St, Schenectady NY

Business Telephone: 518-709 7114

Business E-mail/Web Address: ______

Business Type (circle one): **Bar** / **Food Store** (circled) / **Drug Store** / **Restaurant**

Please provide a business description and plan. The plan must include, at minimum, two (2) sets of floor plans, anticipated number of customers and employees, arrangements for deliveries, waste removal, parking and hours of operation:

# of Customers 1500 per week
# of employee
Deliveries made through front door
Waste removal is contracted County waste
Parking is off Street
Hours 7:00 AM To 11:00 PM

EX, "D"

City of Schenectady, New York

CARL G. FALOTICO, ESQ.
CORPORATION COUNSEL

Deputy Corporation Counsel
Rachael Ward, Esq.

City Hall – 105 Jay Street- Room 201
Schenectady, New York 12305-1938

Telephone: (518) 382-5073
Facsimile: (518) 382-5074

Assistant Corporation Counsel
Krystina K. Smith, Esq.
Ryan P. Bailey, Esq.
Ashlynn R. Savarese, Esq.

Service Not Accepted by Fax

January 13, 2017

Mrs. Alwagza Ahlam
1076 Hegeman Street
Schenectady, New York 12306

Re: Certificate of Use Application
Crane Street Deli & Grocery, Inc.
Application Received: January 11, 2017

Dear Madam:

The City of Schenectady wishes to inform you that your application for a Certificate of Use for the Crane Street Deli & Grocery Convenience Store at 908 Crane Street is hereby denied.

Your application was denied based on your failure to submit Certificates of Incorporation, as well as evidence that the corporation is registered to do business in the State of New York, is active, is in good standing, and identifying all principals in said Corporation in accordance with Schenectady City Code Section 183-6(7).

Please be advised that operating a business without a validly issued Certificate of Use is violation of Schenectady City Code Section 183-5, which allows for a minimum fine of $500 for each day that the business operates without a Certificate of Use.

This denial does not prevent you from submitting future applications.

Sincerely,

Krystina K. Smith, Esq.
Assistant Corporation Counsel

EX. "E"

Philip C. Miller
Attorney and Counselor at Law
17 Computer Drive East
Albany, New York 12205
Phone (518) 459-1803
Fax (518) 459-2048
February 16, 2017

City of Schenectady
City Hall - Room 201
105 Jay Street
Schenectady, New York 12305-1938
Attention: Corporation Counsels Office
Krystina K. Smith, Esq., Assistant Corporation Counsel

Via: fax only

Re: Certificate of Use Renewal Application
Crane Street Deli & Grocery, Inc.

Dear Ms Smith:

Please be advised that I have been retained by the Crane Street Deli & Grocery, Inc. relative to it most recent application for the yearly renewal of its Certificate of Use for its business located at 906/908 Crane Street, Schenectady, N.Y. More specifically, I am writing to you relative to your January 13, 2017 correspondence to the operator of this store, Alwagza Ahlam, in which you cite the "Schenectady City Code Section 183-6(7)." as the basis of your notice to her denying her application as follows:

"based on your failure to submit Certificates of Incorporation, as well as evidence that the corporation is registered to do business in the State of New York, is active, is in good standing, and identifying all principals in said Corporation in accordance with Schenectady City Code 183-6(7)."

In fact, I believe the application referred to by you in your denial is the "Yearly Inspection-Certificate of Use Application" filed by Crane Street Deli & Grocery and I am including a copy of this form which I have taken from the City of Schenectady web site for your review herewith.

Aside from the fact that Section 183 of Schenectady City Code refers to "Certificates of Use" with no mention whatsoever -according the code as published on the web site for the City of Schenectady- of the "Yearly Inspection" form which was filed by my client, Section 183 does require that applications be filed **on forms prescribed by the Corporation Counsel** which form, as aforesaid, was presumably prescribed by your office since it was taken from the City of Schenectady web site and otherwise provided to members of the public. After being so taken from said web site it was immediately thereafter completed by my client and filed with the City of Schenectady which application form, as aforesaid, has been denied by you on the grounds stated earlier in this letter. Section 183 at subsection 6 in fact provides as follows:

EX. "F"

"Application for certificate of use.

A.

An application for a certificate of use shall be made to the office of the Building Inspector **on forms prescribed by the Corporation Counsel**. The application shall request relevant information relating to the operator and the business to be conducted at the premises, including but not limited to the existence of necessary licenses and permits for the business. For purposes of the application, all contact addresses and telephone numbers provided by the applicant must include the home address and telephone number of the applicant and any managing or operating agent, owner or principal in any partnership or joint venture that will own or operate the business. The application must in every instance include the following:"

As you will see, this "Yearly Inspection" form, a copy of which being included herewith as aforesaid, contains NO requirement that "Certificates of Incorporation, as well as evidence that the corporation is registered to do business in the State of New York, is active, is in good standing" or that any other documentation as to the form of business operation be provided with the application as you require in your letter of January 13, 2017. (In any event, as to the issue of whether this corporation is registered to do business in New York, I believe a review of your records will reveal that this domestic corporation filed its original application for a Certificate of Use with the City of Schenectady in 2015 -there quite simply can be no question as to whether this "corporation is registered to do business in the State of New York".)

Since the cautionary statement included in your January 13, 2017 letter made it quite clear that this business was to no longer operate while this matter remained unresolved, the store has in fact has not been operating with the result that considerable losses in the form of lost business, etc. have, and are, continuing to accumulate. With the foregoing in mind I am asking that you review your actions in this matter at your very earliest opportunity in the hope that we may mitigate further losses and that you kindly a provide me with a response by no later than Tuesday, February 21, 2017.

Thank you in advance for your consideration.

Very truly yours,

Philip C. Miller

PCM/mc

enclosure

City Hall
105 Jay Street - Room 17
Schenectady, NY 12305
PHONE: (518) 382-5050
FAX: (518) 372-9459

BUREAU OF CODE ENFORCEMENT
CITY OF SCHENECTADY
NEW YORK

YEARLY INSPECTION

CERTIFICATE OF USE APPLICATION
Chapter 183

FEE: $ 50.00 (yearly inspection)
FEE: $200.00 (1st year)

Date: ______________________________

Applicant Name: ______________________________

Applicant Phone Number: ______________________________

Business Name: ______________________________

Business Address: ______________________________

Business Telephone: ______________________________

Business E-mail/Web Address: ______________________________

Business Type (circle one): **Bar** **Drug Store** **Food Store** **Restaurant**

Please provide a business description and plan. The plan must include, at minimum, two (2) sets of floor plans, anticipated number of customers and employees, arrangements for deliveries, waste removal, parking and hours of operation:

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Business Owner: ______________________________

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Partner or Employee (circle one)

Residential Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

If there are additional business owners, operators, principals, agents, or managers, please attach an additional sheet with their names, addresses, and home and cell numbers.

Emergency Contact Information (a county resident available 24-hours a day)

Contact Name: ______________________________

Contact Address: ______________________________

____

Telephone Number: (Home) ______________ (Cell) ______________

Property Owner Information:

Name: ______________________________

Residential Address: ______________________________

Property Owner Telephone Number: (Home)______________ (Cell) ______________

1. Identify all businesses owned or operated by the business owner(s) and/or operator(s) during the ten (10) year period immediately preceding the date of this application by name & provide all business addresses and the current status of each business (City Ordinance Sec. 183-6).

____

____

____

____

2. Has the property owner, business owner(s), and/or operator(s) of the proposed business had a certificate of use denied, suspended or revoked during the previous three (3) years by the City of Schenectady or any other municipality? If yes, provide the name of the business(s), the date or dates of the denial, suspension or revocation, and the reason or basis for the denial, suspension, or revocation (City Ordinance Sec. 183.6)

____

____

____

3. Has the business owner(s), co-owner(s) and/or operator(s) ever been convicted of a crime in the last five (5) years? If yes, provide the date of the conviction, the crime originally charged, the crime of conviction, and the jurisdiction where the conviction was entered (City Ordinance Sec. 183.6)

____

____

____

I understand that false statements or material misrepresentations made on this application may result in the denial or revocation of the Certificate of Use.

______________________________ **Business Owner Signature**

______________________________ **Business Operator Signature**

______________________________ **Print Name**

______________________________ **Print Name**

______________________________ **Property Owner Signature**
(MUST BE NOTORIZED OR COMMISSIONED)

______________________________ **Print Name**

______________________________ **Date**

DOCUMENTS REQUIRED FOR RENEWAL:

_____ TAX Department Printout of Property Taxes/Payment Status
(Available in Room 100 at the INFORMATION WINDOW – not the cashier window)

_____ INSURANCES:

_____ FIRE INSURANCE POLICY
(provide declarations page)
_____ LIABILITY INSURANCE POLICY of $500,000 minimum:
(provide declarations page)
_____ WORKER'S COMP and DISABILITY INSURANCE or WAIVER

_____ Copy of LEASE

____ Residential Utility Bill

____ Confirmation of all bank accounts utilized in the operation of the business

_____ **Photo ID for all employees and owners**: (Driver's license, passport, immigration or citizenship records.)

Employee(s) _____ Photo ID _____ Social Security Card

Business owner _____ Photo ID _____ Social Sec

Principal(s)/Partner(s)/Agent(s)/Manager(s)_____Photo ID _____ Social Sec

____ **Business Licenses and Certifications:**

____ Food Processing Permit or Food Service Permit

____ Tobacco Permit

____ SLA License

____ Garbage Collection Agreement

City of Schenectady, New York

CARL G. FALOTICO, ESQ.
CORPORATION COUNSEL

Deputy Corporation Counsel
Rachael Ward, Esq.

City Hall – 105 Jay Street- Room 201
Schenectady, New York12305-1938

Telephone: (518) 382-5073
Facsimile: (518) 382-5074

Assistant Corporation Counsel
Krystina K. Smith, Esq.
Ryan Bailey, Esq.

Service Not Accepted by Fax

Wednesday, February 22, 2017

Philip C. Miller, Esq.
17 Computer Drive East
Albany, New York 12205

Ms. Ahlam Alwaqza
1076 Hegeman Street
Schenectady, New York 12306

Re: Certificate of Use Application
Crane Street Deli & Grocery

To Whom It May Concern:

This letter is to inform you that your application for a Certificate of Use pertaining to the business at 908 Crane Street is denied.

Your application, received by the Bureau of Code Enforcement on January 24, 2017 is denied because the Emergency Contact listed for the business is Salem Ali, who is currently barred from being involved in the operation of a business within the City of Schenectady.

Please be advised that for every day you operate your business without a Certificate of Use, you may be liable to be prosecuted for a violation of Schenectady City Code Section 183-5 and subject to penalties pursuant to Schenectady City Code Section 183-13(B), which allows for a fine of $500 to $1000 per day, imprisonment for 30 days, or both.

If you intend to submit future applications, please be advised that this business is not eligible to use to the Yearly Renewal Form.

Sincerely,

EX. "G"

Krystina K. Smith, Esq.
Assistant Corporation Counsel

Cc: Tammy Outlaw, Code Enforcement

OFFICE OF THE MAYOR

CITY OF SCHENECTADY
NEW YORK

City Hall, 105 Jay Street, Rm 111
Schenectady, N. Y. 12305-1938
(518) 382-5000
Fax: (518) 382-5272
gmccarthy@schenectadyny.gov

For Release: Immediate
Date: February 8, 2017

PRESS RELEASE

Mayor Gary McCarthy Announces City Court Victory in Code Enforcement Case Regarding Convenient Store

Schenectady, NY – This morning in Schenectady City Court, Salem Ali, owner of the former Chubby's Convenience Store located at 1030 Crane Street in Schenectady, plead guilty to two misdemeanor counts of section 183-5 of the Schenectady City Code for illegally operating a business without the necessary certificates. The terms of the plea require him to permanently close the store, pay a $1,000 fine, perform 200 hours of community service, and not to own or operate a business in Schenectady for a period of 1 year. The court case was part of the City's continuing coordinated effort to combat quality of life crimes, including convenient stores operating without appropriate licenses.

"This is a big win for the residents of the City of Schenectady. For too long this business contributed to a negative environment encouraging illegal activities that harmed the neighborhood," Mayor Gary McCarthy said. "This is a strong message that we'll take whatever actions which are necessary to keep our citizens safe and root out crime from our neighborhoods."

For years Chubby's has been the home of significant criminal problems, with numerous serious crimes occurring on the premises. The business generated over 500 public safety calls in over 9 months in 2015 alone.

In September of 2016 the defendant was cited with 16 counts of operating without a certificate of use, which is necessary for all convenience stores in Schenectady. On November 7th, 2016 the case proceeded to Schenectady City Court, where the case was closed with today's plea. The case was prosecuted by Carl Falotico, Corporation Counsel, and Krystina Smith, Assistant Corporation Counsel, of the City Law Department.

The City is continuing its coordinated effort, which brings together the Police Department, Code Enforcement, the Law Department, Development Department, to improve the quality of life in City neighborhoods.

###

EX. "H"

Philip C. Miller
Attorney and Counselor at Law
17 Computer Drive East
Albany, New York 12205
Phone (518) 459-1803
Fax (518) 459-2048

March 2, 2017

City of Schenectady, New York
City Hall
Room 201
!05 Jay Street
Schenectady, New York 121305-1938
Attention: Corporation Counsel
Krystina K. Smith, Esq. Assistant Corporation Counsel

Via: fax only

Re: Certificate of Use Application
Crane Street Deli & Grocery, Inc.

Dear Ms. Smith:

As I believe you may recall from my last correspondence to you regarding this same business entity, I represent the Crane Street Deli & Grocery, Inc. and I am in receipt of your most recent letter of February 22, 2017 in which you indicate the denial of the Certificate of Use application for this entity.

The state reason for this denial is that Saleem Ali is listed as the emergency contact person for this business and that, as a part of a plea bargain, Mr. Ali is not to own or operate a business in Schenectady for a period of one year. Although serving as an emergency contact person hardly qualifies as "owning or operating" a business, in an effort to resolve this issue, we will amend our application to provide for the following contact information.

Abdo Salim will now serve as the emergency contact person for this business entity with a local telephone contact number of (518) 986-4986 and a local address of 1008 Crane Street, Schenectady, New York 12303.

Since this business is now closed and therefore suffering economic loss I would ask that you kindly act on this revised information and that you provide a response to the undersigned by no later than Tuesday, March 7, 2017 at the very latest.

Thank you in advance for your assistance.

Very truly yours,

Philip C. Miller

PCM/mc

EX. "I"

City of Schenectady, New York

CARL G. FALOTICO, ESQ.
CORPORATION COUNSEL

Deputy Corporation Counsel
Rachael Ward, Esq.

City Hall – 105 Jay Street- Room 201
Schenectady, New York 12305-1938

Telephone: (518) 382-5073
Facsimile: (518) 382-5074

Assistant Corporation Counsel
Krystina K. Smith, Esq.
Ashlynn R. Savarese, Esq.

Service Not Accepted by Fax

March 3, 2017

Phillip C. Miller, Esq.
17 Computer Drive East
Albany, New York 12205

Re: Correspondence dated March 2, 2017
Certificate of Use Application
Crane Street Deli & Grocery, Inc.

Dear Sir:

This Office is in receipt of faxed correspondence dated March 2, 2017 in relation to a previously denied application for a Certificate of Use for Crane Street Deli & Grocery.

Said correspondence is not considered by the Office to be a submitted application. When an application is denied, the City of Schenectady requires applicants to submit a new application in order to be considered.

If your client would like to have any new information considered by the City, please direct them to submit a completed application to the Bureau of Code Enforcement. As such, the City will review and respond as required by the Schenectady City Code.

Sincerely,

Krystina K. Smith, Esq.
Assistant Corporation Counsel

Cc: Tammy Outlaw, Bureau of Code Enforcement

EX. "J"